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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,069	08/18/2003	Alain Chateau	TI-33657	4187

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EXAMINER	
PATEL, NIRAV B	

ART UNIT	PAPER NUMBER
2135	

NOTIFICATION DATE	DELIVERY MODE
04/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/643,069	CHATEAU ET AL.	
	Examiner	Art Unit	
	NIRAV PATEL	2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires *5* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1,4,5,8,9 and 11-16*.
   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/KIMYEN VU/
Supervisory Patent Examiner, Art Unit 2135

Applicant's amendment filed on March 05, 2008 has been entered. Claims 1, 4, 5, 8, 9, 11-16 are pending. Claims 2, 3, 6, 7, 10 are canceled by the applicant and claims 1, 5, 9 are also amended by the applicant to include limitation of cancelled claims 2 and 3, cancelled claims 6 and 7 and cancelled claim 10 respectively. Therefore, pending claims 1, 4, 5, 8, 9, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kean (US Patent No. 7,203,842) and in view of Saito (US Patent No. 6,857,003).

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed March 05, 2008 have been fully considered by they are not persuasive.

Regarding to applicant's argument to 103 rejection (over Kean and Saito), Examiner maintains that the combination of Kean and Saito teaches the claim limitation, since Kean's invention relates to secure configuration and security features for integrated circuits (e.g. FPGA). The configuration data is encrypted by a security circuit of the field programmable gate array using a security key. The security key is used to decrypt the encrypted configuration data. The security key is generated using a random number generator circuit of the integrated circuit. The security key is stored in a device ID register of the integrated circuit as shown in Figs. 5 and 8. Random number generator 72 is coupled to the security circuit and is used to generate a random number, which acts as a cryptographic key. Further, Saito's invention relates to a method of generating uniform or pure random numbers which do not substantially have a periodicity and therefore, it provides the protection of encoded data (encrypted data). In calculating circuit 35, the digital signal is supplied to the circuit 35 and the random number is outputted. As shown in fig. 3, magnitude of a digital signal supplied from the analog-digital converting circuit is compared with the threshold level, and "1" bit is produced when the digital signal is not less than threshold level and "0" bit is generated when the digital signal is less than the threshold level. Further, frequencies of occurrence of "1" and "0" bit are calculated for a predetermined period and compared with the predetermined ratio. Based on the comparison result the threshold level is adjusted. Therefore, Saito teaches the claim limitation "detecting undesirable random number, detecting a ratio of "1"s and "0"s in said random number and comparing the ratio to a threshold". In this case, the combination of Kean and Saito teaches the claim limitation and the combination is sufficient. The examiner recognizes that obviousness can also be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to on of ordinary skill in the art. See In re Fine, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ 2nd 1941 (Fed. Cir 1992). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding to applicant argument to claim 12, Kean teaches an integrated circuit (e.g. FPGA), which includes a random number generator, ID register (memory), security circuit, etc. The configuration data is encrypted by a security circuit of the field programmable gate array using a security key. The security key is used to decrypt the encrypted configuration data. The security key is generated using a random number generator circuit of the integrated circuit. The security key is stored in a device ID register of the integrated circuit as shown in Figs. 5 and 8. Random number generator 72 is coupled to the security circuit and is used to generate a random number, which acts as a cryptographic key (security key or session key). Therefore, Kean teaches the claim limitation "a random number generator for generator a root key random number, a memory for storing the root key random number and the root key random number is operable to seed a second random number to be session key". Further, Applicant argued, "Kean does not teach root key and session keys" in the remark is not stated expressively in the claim language. The Applicant is reminded that presented arguments in the remark is not considered unless stated clearly in the claim language.

Regarding to applicant argument to claims 5 and 9, Kean teaches the claim limitation "a random number generator for generating a random number for the root key" as above. Further, Saito teaches claim limitation "detecting undesirable random numbers and detecting a ratio of ……" as above. Therefore, the combination of Kean and Saito teaches the claim limitation. In response to applicant's arguments, that the cited reference fail to teach or suggest "mobile computing device or system", the recitation in the remark has not been given patentable weight because it occurred in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The Applicant is reminded that additional modification to clarify the claimed language is necessary for further consideration and distinction from the prior art.

For the above reasons, it is believed that the rejections should be sustained.